

Assembly Bill No. 1586

CHAPTER 78

An act to add Section 28767.8 to the Public Utilities Code, relating to transportation.

[Approved by Governor July 15, 2010. Filed with
Secretary of State July 15, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1586, Swanson. San Francisco Bay Area Rapid Transit District.

Existing law creates the San Francisco Bay Area Rapid Transit District (BART), governed by an elected board of directors, with various duties and responsibilities relative to the operation of a rail transit system. Existing law authorizes the district to maintain a police department.

This bill would authorize the BART board of directors to establish an office of independent police auditor that would report directly to the board and investigate complaints against district police personnel relative to on-duty misconduct and off-duty unlawful activity, as specified. If the board establishes an office of independent police auditor, the bill would require the board to organize, reorganize, and manage the office and would require the auditor to prepare reports of his or her activities.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known, and may be cited, as the BART Public Safety Accountability Act.

SEC. 2. Section 28767.8 is added to the Public Utilities Code, to read:

28767.8. (a) The board may establish an office of independent police auditor, reporting directly to the board, to investigate complaints against district police personnel.

(b) The appointed independent police auditor shall have the following powers and duties:

(1) To investigate those complaints or allegations of on-duty misconduct and off-duty unlawful activity by district police personnel, within the independent police auditor's purview as it is set by the board.

(2) To reach independent findings as to the validity of each complaint.

(3) To recommend appropriate disciplinary action against district police personnel for those complaints determined to be sustained.

(c) The board shall organize, reorganize, and manage the office of the independent police auditor. Notwithstanding the authority granted the general manager in this part, the board may, by resolution, authorize a citizen review board to participate in recommending appropriate disciplinary action.

(d) The independent police auditor shall prepare, in accordance with the rules of the office, reports of his or her activities as permitted by law.

O